

AMENDMENTS TO THE CLAIMS:

1. (Currently Amended) A novelty or entertainment device comprising:  
a housing in the form of a sea shell;  
a sound reproduction system mounted to said housing so as to remain hidden from casual visual inspection of said housing; and  
a switch mounted to said housing and operatively connected to said sound reproduction system for activating same after and only after a lifting of said housing to ~~an ear of a user.~~
2. (Original) The device defined in claim 1 wherein said switch is a gravity switch.
3. (Original) The device defined in claim 1 wherein said switch is connected to a proximity detector for sensing nearness of a surface to a mouth of said housing.
4. (Original) The device defined in claim 1 wherein said sea shell is in the form of a conch shell.
5. (Original) The device defined in claim 1 wherein said sound reproduction system includes a solid-state memory, a power source, and an electroacoustic transducer.
6. (Original) The device defined in claim 1 wherein said sound reproduction

system includes a memory storing a plurality of different sound bites and means for accessing different ones of said sound bites on successive activations of said sound reproduction system by said switch.

7. (Previously Presented) A novelty or entertainment method comprising:  
providing a housing in the form of a sea shell; and  
in response to a removal of said housing from a stationary storage position towards an ear of a user, reproducing a predetermined sound so that the reproduced sound may be perceived by the user upon and only upon an approximation of a mouth of said housing to the ear of the user.

8. The method defined in claim 7 wherein the sound includes a verbal message.

9. The method defined in claim 7, further comprising automatically sensing a movement of said housing, the reproducing of said sound being induced upon the sensing of said movement.

10. (Currently Amended) A novelty or entertainment device comprising:  
a housing in the form of a sea shell;  
a sound reproduction system mounted to said housing so as to remain hidden from casual visual inspection of said housing; and  
a switch mounted to said housing and operatively connected to said sound

reproduction system for activating same in response to a lifting of said housing ~~to an ear of a user~~, said switch includes including means for selectively activating said sound reproduction system only after said housing has been placed proximate to ~~the ear of the user a surface~~.

11. (Previously Presented) The device defined in claim 10 wherein said switch includes a gravity switch.

12. (Currently Amended) The device defined in claim 10 wherein said switch is connected to a proximity detector for sensing nearness of [[a]] said surface to a mouth of said housing.

13. (Currently Amended) A novelty or entertainment device comprising:  
a housing in the form of a sea shell;  
a sound reproduction system mounted to said housing so as to remain hidden from casual visual inspection of said housing; and  
a switch mounted to said housing and operatively connected to said sound reproduction system for activating same in response to a lifting of said housing ~~to an ear of a user~~,  
said sound reproduction system including a memory storing a plurality of different sound bites and means for accessing different ones of said sound bites on successive activations of said sound reproduction system by said switch.

14. (Currently Amended) A novelty or entertainment method comprising:  
providing a housing in the form of a sea shell; and  
after and only after a removal of said housing from a stationary storage position  
~~towards an ear of a user~~, reproducing a predetermined sound so that the reproduced  
sound may be perceived by the user.

15. (Previously Presented) The method defined in claim 14 wherein the sound  
includes a verbal message.

16. (Previously Presented) The method defined in claim 14, further comprising  
automatically sensing a movement of said housing, the reproducing of said sound being  
induced upon the sensing of said movement.

17. (Currently Amended) A novelty or entertainment method comprising:  
providing a housing in the form of a sea shell;  
in response to a first removal of said housing from a stationary storage position  
~~towards an ear of a user~~, reproducing a first predetermined sound so that the  
reproduced sound may be perceived by the user; and  
in response to a second removal of said housing from a stationary storage  
position ~~towards an ear of a user~~, reproducing a second predetermined sound so that  
the reproduced second predetermined sound may be perceived by the user, said

second predetermined sound being substantially different from said first predetermined sound.

18. (Currently Amended) A novelty or entertainment device comprising:

a housing in the form of a sea shell;

a sound reproduction system mounted to said housing so as to remain hidden from casual visual inspection of said housing, said sound reproduction system including a memory storing a signal corresponding to a predetermined sound substantially different from sound generated in nature upon placement of a sea shell next to an ear;

and

a switch mounted to said housing and operatively connected to said sound reproduction system for activating same in response, at least in part, to a lifting of said housing ~~to an ear of a user~~.

#### REMARKS

Claims 1-18 are pending in the application. Claims 1, 7, 10, 13, 14, 17, and 18 are the only independent claims.

Selected claims have been amended pursuant to an observation made by the Board of Patent Appeals and Interferences in the Decision mailed April 28, 2004.

The Board indicated that all of the claims are patentable. The amendments made herein are therefore unrelated to patentability.

SN 09/661,520  
W07-469